

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. 5:18-CR-11-FL-1

UNITED STATES OF AMERICA,	)	
	)	
v.	)	
	)	<u>ORDER</u>
RAMIRO MARTINEZ-ZACHARIAS,	)	
	)	
Defendant.	)	

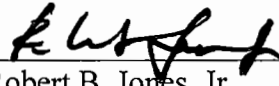
This matter came before the court October 16, 2018, for a hearing on the competency of Defendant Ramiro Martinez-Zacharias ("Defendant") to determine whether Defendant is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, in accordance with 18 U.S.C. §§ 4142 and 4247(d). At the hearing the government was represented by Assistant United States Attorney Sebastian Kielmanovich and Defendant, who was present in the courtroom, was represented by James Todd. The court advised Defendant of his rights under 18 U.S.C. § 4247(d). The government then referred to the Forensic Report ("Forensic Report"), dated August 6, 2018, which was prepared by Miriam Kissin, Psy.D., a Forensic Psychologist with the Federal Medical Center-Devins. The Forensic Evaluation has been filed under seal, was provided to counsel and defense counsel discussed its findings with Defendant prior to the hearing.

According to the Forensic Report, Defendant has been diagnosed with Post-traumatic Stress Disorder and Alcohol Use Disorder, in a Controlled Setting. However, competency-related skills are not significantly compromised by symptoms of serious mental illness or defect such that Defendant is unable to understand the nature and consequences of the proceedings

against him or to assist properly in his defense. Neither party disputed the findings and conclusions of the Forensic Report and neither party presented any further evidence.

After consideration of the position of the parties and the Forensic Report, the court does not find by a preponderance of the evidence, pursuant to 18 U.S.C. § 4241(d), that Defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

So ordered, the 16th day of October 2018.

  
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Robert B. Jones, Jr.  
United States Magistrate Judge